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CLERK U.S. BANKRUPTCY COURT  
Central District of California  
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CHANGES MADE BY COURT

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re: ) Case No.: 2:12-bk-45918-RK  
Jose J. Castro and ) Chapter 7  
Rosa E. Castro, ) ORDER DENYING DEBTORS' MOTION TO  
Debtors. ) REOPEN CHAPTER 7 BANKRUPTCY CASE  
[No Hearing Required]


Counsel for the Debtors filed a Motion to Reopen Chapter 7 Case (the "Motion") on October 29, 2019 (Docket #15). After consideration of the moving papers and the lack of good cause appearing therefor, the court denies the motion because as discussed by Judge Clarkson in his opinion in *In re Judson*, 586 B.R. 771 (Bankr. C.D. Cal. 2018) presenting similar facts, it is futile to reopen a bankruptcy case to approve a reaffirmation agreement entered into after discharge was granted for Debtors. See also, 11 U.S.C. § 350(b). In *Judson*, the debtors received their discharge nearly six years before they filed

1 their motion to reopen their bankruptcy case to seek approval of a  
2 reaffirmation agreement. "The only way to resuscitate a debt  
3 otherwise dischargeable in bankruptcy is to enter into a reaffirmation  
4 agreement under 11 U.S.C. § 524(c) and (d)." *Id.* at 773. "A  
5 reaffirmation agreement must be made before the debtor receives a  
6 discharge." *Id.*, citing, 11 U.S.C. § 524(c)(1); *In re Kamps*, 217 B.R.  
7 836 (Bankr. C.D. Cal. 1998); *In re Motley*, 268 B.R. 237, 243 (Bankr.  
8 C.D. Cal. 2001).

9  
10 In this case, Debtors received their discharge on February 19,  
11 2013, and the case was closed on February 25, 2013. Motion at 1.  
12 Debtors now over six years later seek to file a reaffirmation  
13 agreement at the request of their mortgage lender, apparently being  
14 made to reaffirm the prepetition mortgage debt for a refinancing. *Id.*  
15 at 1-3. As in *Judson*, "Debtors have not presented any legal basis for  
16 granting the relief sought." 586 B.R. at 773. That is, specifically,  
17 Debtors do not address in their motion the restriction on seeking  
18 approval of a reaffirmation agreement made after they received their  
19 discharge under 11 U.S.C. § 524(c)(1).  
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21 **IT IS HEREBY ORDERED THAT** the Motion is denied. ###

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25 Date: November 19, 2019

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28 Robert Kwan  
United States Bankruptcy Judge